

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS**

United States of America

Plaintiff(s),

v.

Thomas Considine

Defendant(s),

Case No: 1:23-cr-00239

Magistrate Judge Gabriel A. Fuentes

ORDER

Initial appearance and arraignment proceedings held. Defendant Thomas Considine self-surrenders on 4/26/23 as ordered at 1:30 p.m. in Courtroom 1838. Based on review of the tendered financial affidavit, the Court finds that Defendant is unable to afford counsel. Enter Order appointing Attorney Christopher Grohman of the CJA Panel as counsel for Defendant. Defendant was advised of charges and informed of his rights and of prosecutorial obligations per Rule 5(d) and (f). The government and defendant agree on conditions of release, with no government motion for detention or for a detention hearing. The Court, however, deferred a decision on release until after a detention hearing set on the Court's own motion per Section 3142(f)(2)(A), serious risk of flight. The Court explained on the record why the defendant's repeated and recent history of not abiding by conditions in the 9/27/21 release order in Case No. 21 CR 504, and including an apparent ongoing substance abuse problem which is making defendant's compliance with the release order, and with court orders, more difficult. The Court noted the five bond violation reports in Case No. 21 CR 504 (with the most recent reports dated 2/13/23 and 3/31/23, when Pretrial Services recommended a bench warrant and bond revocation) and the defendant's difficulty in attending today's proceedings in this matter, initially set for 10:30 a.m. The Court also noted defendant's failure to appear in person on two occasions in No. 21 CR 504 despite being ordered to appear in person by Judge Alonso (the defendant appeared by phone instead). The Court also noted the information in the record concerning Pretrial Services having specifically confirmed for defendant by phone on 4/25/23 that he was to appear in person at 10:30 a.m. today yet did not appear at that time, although he appeared at 1:30 p.m. after the Court entered an order today directing him to appear at that time. Over defendant's objection by counsel, and without objection from the government, the Court granted its own motion that the detention hearing be held and scheduled the hearing by agreement at 11 a.m. on 4/28/23 in Courtroom #1838 of the Dirksen U.S. Courthouse, on the issue of risk of non-appearance. The Court's grant of its own motion for the detention hearing is without prejudice to any issue to be determined at the detention hearing. Arraignment held. Defense acknowledges receipt of the Indictment and waives formal reading. Defendant enters a plea of not guilty to all counts in the Indictment. The schedule for certain preliminary proceedings is as follows: Rule 16.1(a) conference to be conducted by 5/3/23. Telephonic hearing before Judge Gettleman set for 5/11/2023 at 9:50 a.m. on the Webex platform. Parties will not be asked to start their video. Members of the public and media may listen to these proceedings by dialing (650) 479-3207 the

meeting number, access code, or PIN/ID is 1809883385. Government's oral motion to exclude time through and including 5/11/23 is granted without objection. Time is excluded from today through and including 5/11/23 under 18 U.S.C. § 3161(h)(7)(A)(B) and 18 U.S.C. § 3161(h)(1)(D) to serve the ends of justice and to permit the parties to review discovery materials and allow the reasonable time necessary for effective preparation, with such delay outweighing the interests of the public and the defendant in a speedy trial, particularly at this early stage of the case. The Defendant is remanded to the custody of U.S. Marshals Service pending the 4/28/23 detention hearing, and the U.S. Marshals Service is kindly requested to determine what medications defendant requires in custody so that such medication may be administered to defendant within the discretion of the USMS and consistent with its constitutional obligations.

(00:50 IA)

(00:10 A)

Date: 4/26/2023

/s/ 
Gabriel A. Fuentes
United States Magistrate Judge